

GROWTH MANAGEMENT

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We begin this chapter with an analysis of the status of the law in New Hampshire on Growth Management. We include this information to show that we have taken a hard and serious look at the directives and requirements of the State Legislature and the New Hampshire Supreme Court and have considered our actions carefully.

Definition of Growth Management

Planning is no longer based simply on how large a community should grow in terms of hopeful aspirations, but should consist of realistic estimates based on sound planning principles. Planning and growth management should consider the availability and cost of service expansion and a system to time that growth at a pace coordinated with facilities and service capacity expansion. For this Master Plan and Growth Management Chapter, the following definition is used:

Growth Management is a conscious government program intended to influence the rate, amount, type, location, and quality of future development linked to the adequate availability of services, facilities, natural resources, and infrastructure.

This is the operational idea which defines the goals of a comprehensive growth process for Fremont.

Growth Management in the RSA

A discussion of growth management in New Hampshire must begin with an examination of the power and legal authority that a municipality has to influence development. The basis for the power in the State legislature is found in the United States Constitution. This power, reserved to the states, is given to local governing bodies through "enabling statutes".

Generally, the State legislature has decided that the municipality should have the authority to regulate the use of land for the health, safety, and welfare of the people; this is more commonly known as the "police power" of the states. In New Hampshire this power manifests itself in the ability to adopt Master Plans, zoning ordinances, building codes, various commissions, authoritative boards, and other innovative techniques, and finally, growth control ordinances. This power is offset by the individual and property rights guaranteed in the US and the New Hampshire Constitutions.

The first step of the analysis must examine the nature of the power that is given to the town. In RSA 672:1, the findings supporting, and purposes of, land use tools are laid out by the legislature. New Hampshire has favored local control of land use through local governments and boards and the inclusion of citizens in this process. See RSA 672:1, IV. Chapter 673

continues with the nature and administrative structure of the Boards and Commissions whose duty it is to enforce and maintain these tools.

Under the Chapter 674, the tools themselves are laid out. These statutes include how the tools are created, the limits to their use, and guidance for the town's utilization of these powers.

The Planning Board and The Master Plan. The Planning Board has the duty to create and maintain the Master Plan. RSA 674:1. The Planning Board is authorized to advise the municipality on development issues, recommend ordinances to the legislative body, and additional powers as deemed necessary by the citizens. RSA 674:1. The purpose of the Master Plan, adopted by the Planning Board, is described in RSA 674:2, its preparation and adoption requirements are found at 674:3 & 4 respectively. The Master Plan is the guiding document of the municipality that "shall generally be comprised of a report [and information]...designed to show as fully as possible and practical the planning board's recommendations for the desirable development of the territory legally and logically within its planning jurisdiction." RSA 674:2. The Master Plan is advisory and is the foundation for further actions of the town. Once the Master Plan is adopted, the town will have the information necessary to begin planning efforts. The town may begin to adopt the familiar specific tools of land use controls and thus begin to formulate a growth management plan.

Growth management can be effected in any number of ways, it can be indirect through the various land use control methods available through the RSAs, or it can be a limitation of growth specifically based on a timing of growth, also available through the RSAs, but requiring certain other prerequisites and scientific findings. We will begin by describing the indirect effects and mechanisms found in the RSA.

Capital Improvements Program. The Capital Improvements Program, found at RSA 674:4-8, provides for a plan that addresses the estimated capital expenses for a planning period of six years. This program, by limiting expenditures, can in turn have an effect on growth through limits on the necessary infrastructure to support development. For instance, if there are no services present in a particular area, there would not be support for the scattered and premature development if proposed. The Supreme Court of New Hampshire has also mandated that "towns, acting in good faith, "must develop plans to insure that municipal services, which normal growth will require, will be provided for in an orderly and rational manner."" Rancourt v. Town of Barnstead, 129 NH at 50 (1986), citing Beck v. Town of Raymond, 118 NH at 801 (1987). These cases are discussed further below.

The Official Map. The official map, as authorized under RSA 674:9-15, permits the city to locate streets, both current and future. The official map thus limits development where it will interfere with the town's plan to build streets. However, most towns, Danville included, have not had to build streets and instead must respond to developers who build streets for the town to serve their own developments. However, an Official Map may help to limit the number of

dead-ends or "lollipops" that crop up by laying out future planned connections.

Zoning Ordinance. New Hampshire authorizes local governments to adopt zoning ordinances at 674:16(I), the procedure for enactment is found in the requirements at RSA 675. According to 674:18, before a town may enact a zoning ordinance the Planning Board must adopt a general statement of objectives as well as the land use section of the master plan. The purposes of the zoning ordinance are found at 674:17. Exclusionary and spot zoning are two major aspects of zoning that are often confronted in zoning issues. Exclusionary zoning is basically found at 672:1, III-e which states that the underlying purpose of zoning is to provide safe and affordable housing for low and moderate incomes families and individuals. Spot zoning is the unreasonable singling out a limited area for use inconsistent with the surrounding areas for the sole benefit of the limited area's owner(s).

Site Plan and Subdivision Regulation Statutes. New Hampshire has authorized Site Plan and Subdivision Regulations. The authority enabling the Planning Board to adopt these regulations is at RSA 674:36 for Subdivision; and RSA 674:44 for Site Plans. With the power to regulate at 674:35 and 674:43 respectively. Between these two statutes the Planning Board is given broad discretion to ensure well planned and appropriate growth. The laws are essentially similar in their provisions. These statutes provide for the Planning Board to adopt regulations that include the following sections that are taken from the State statute (sections that are not relevant to this issue are removed):

- (a) Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety or prosperity...
- (b) Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.
- (c) Provide for open spaces and green spaces of adequate proportions.
- ...
- (h) Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

§ III of 674:36 (subdivision) includes:

- (a) Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- (f)...park or parks suitably located for playground or other recreational purposes

Both sections have provisions for setting conditions precedent that deal with the cost of facilities that the subdivision or site will require. The Site Plan Regulations also contain a listing of what is required in the regulations.

The case law on these statutes is voluminous. Most of these cases examine the authority of the Board in rejecting development based upon either of these mechanisms. The Court has upheld town ordinances and actions under regulations enacted according to these statutes that were rationally based upon the enabling language in the statutes.

Innovative Land Use Controls. This statute is the most broad and exciting section of New Hampshire law. Found at RSA 674:21, the statute lists techniques which may be utilized by a municipality adopted according to 674:16 and in accordance with 675:2, II. This statute includes a list of potential growth management techniques beginning with “Innovative land use controls may include, but are not limited to:”. This language gives broad authority for a municipality to adopt almost any technique under this section. Each technique that is mentioned in the Master Plan could, theoretically, be authorized through this statute. The remainder of the statute is devoted to a description of and requirements for impact fee ordinances 674:21(V), their adoption, calculation, and administration.

Timing of Growth. The State of New Hampshire has allowed specifically for the timing of growth. This can be achieved only after the Planning Board has adopted both a Master Plan and a Capital Improvements Program. The statute authorizing this process is RSA 674:22. There is no guidance on how the ordinance should be written or what may be considered. The only language states that the ordinance shall be "based upon a growth management process intended to assess and balance community development needs and consider regional development needs." A recent case where the town of Barnstead enacted such an ordinance is discussed more fully below. Another case, decided under the prior law, Stoney-Brook Development Corp. v. Town of Fremont, 124 NH 583 (1984), stated that growth control should regulate and control, not prevent, growth.

There is also provision for an interim Growth Management Regulations at 674:23, for unusual circumstances. Fremont recently enacted such a statute and completed the one year period allowed in this enabling legislation.

Growth Management and The Supreme Court of New Hampshire.

The New Hampshire Supreme Court has turned a willing eye toward growth management, even going so far as to allow strict growth timing control ordinances. The following cases illustrate some of the Court’s reasoning and willingness to uphold such ordinances as long as they meet the Court’s requirements. Most of the rules laid down by the Court can be utilized as guidance for a town that wishes to enact such controls. Aside from allowing the town to withstand a legal challenge, these cases contain objective and sound advice for local governments and the issues that will be faced. We have turned to the language of these cases to guide us in the development of our own Growth Management Plan.

Beck v. Town of Raymond, 118 N.H. 793 (1978). This case is among the early New Hampshire Supreme Court rulings that examine growth control and limitations. The Court stated that growth controls must be “reasonable and nondiscriminatory” and that they “should be the product of careful study and should be reexamined constantly with a view toward relaxing or ending them”. The Court stated that the controls should be accompanied by “good faith efforts to increase the capacity of municipal services [and] must not be parochial; that is controls must not be imposed simply to exclude outsiders, especially outsiders of any disadvantaged social or economic group.” The Court stated that towns “must develop plans to insure that municipal services, which normal growth will require, will be provided for in an orderly and rational manner.”

Stoney-Brook Development Corp. v. Town of Fremont, 124 N.H. 583 (1984).

The Court in this case examined a growth control ordinance under the prior statute. The statute was similar to the current law and the reasoning is still applicable. This case shows much of the New Hampshire Court’s attitude and disposition toward growth management. The Court lays out the requirements and reasonable effects of growth control. The Court stated that the growth rate must not be an arbitrary figure. The rate can only be decided after a “careful study”. The rest of the case concerns the requirements for passing a growth timing control. The Town of Fremont had a comprehensive community plan which was not considered the equivalent of a master plan or a capital improvement program.

Rancourt v. Town of Barnstead 129 N.H. 45 (1986). This is one of the most recent, and perhaps most important, cases concerning growth management and control. The case centers on the Town of Barnstead and its utilization of RSA 674:22, providing for timing of development. Through this case the New Hampshire Supreme Court found statutory approval for urban growth control ordinances. In addition, the Court has laid out a clear analysis of the evidence required for the ordinance to pass judicial scrutiny. This case is extremely useful in adopting a Timing of Development ordinance.

In Rancourt, the Court struck down a town ordinance on growth limitations because "scientific and statistical evidence of growth projections cannot function as the sole guide as to what constitutes a reasonable growth limitation established by a particular town". However, the Court did provide a substantial amount of guidance for municipalities enacting such ordinances in the future.

The town of Barnstead had an allowed three percent growth rate in its master plan as adopted by the planning board. There were no ordinances passed by the town in addition to this plan and its restriction on growth. The board voted down a proposed subdivision because: 1) of the impact it would have on the growth rate; 2) impact on the schools; and 3) "a concern for natural resources". Id. at 47. The plaintiff attacked the refusal, claiming that the master plan's growth rate was not enacted in accordance with the statutory provisions. The Court agreed with this argument, stating that the statute required the town legislative body to pass ordinances "which provide for a limited growth based on community and regional development needs." Id. at 48. The figures that the town relied upon for its growth projection were supplied by the State Planning Office which the Court characterized as "unrealistic and...not reflect[ing] the actual

The Court found the authority for control or timing of development in RSA 674:22 and RSA 674:23 stating:

"[These] statutes enable a municipality to adopt an ordinance providing for controlled growth after its planning board has adopted a master plan and a capital improvement program designed to assess and balance community and regional development needs." Rancourt, 129 N.H. at 48.

The Court emphasized that growth limitation is not to be an ad hoc analysis by the board but must be legislative in nature. Id. Once the ordinance has been passed, the Courts may strike it down only if it is unlawful or unconstitutional.

The Court then moved to the examination of the three-percent growth rate. The Court has held "that growth controls cannot be permanent or unreasonable...and [must be] continually re-examined in order to relax or eliminate them." Rancourt, at 49; citing Beck v. Town of Raymond, 118 N.H. 793, 800 (1978). The Court eloquently cited previous language stating "Towns may not refuse to confront the future by building a moat around themselves and pulling up the drawbridge." Beck, at 801. In light of the rigidity of the three-percent figure, and the finding that it was unrealistic, the Court found the growth rate to be unreasonable.

The Court has found that growth limitations are valid, but that the evidence upon which the ordinance rests must include considerations of:

"the cost of extending municipal services, the capacity of the town's existing citizenry to adjust to the higher tax burden necessarily associated with an extension of municipal services, the probable use of the dwellings, the availability and suitability of undeveloped land in neighboring towns and the overall growth of the region in which the town is located," Rancourt, at 51.

The Court neatly summed up the status of the Court's position stating "Put simply, to date we have held that a growth control ordinance is valid only if it restricts projected normal growth no more than is necessary to allow for an orderly and good faith development of municipal services." Id.

Britton v. Town of Chester, 134 N.H. 434 (1991). The Court struck down an ordinance that limited 1.73 % of the town's property for development as affordable housing. The court did not apply the statutory provisions at 672:1, III-e, instead it determined that the town had exceeded its authority to enact zoning for the "welfare of the community". The Court found that the word "community" in RSA 674:16 includes more than the limit of the town boundaries, the Court found that the appropriate area includes the region in which the town is located. This is

important when determining the scope of analysis to research the growth experienced by the Town and the community it is in. The Court concluded that the ordinance, in effect, wrongfully excluded development of low and moderate income housing. This exclusion constituted an invalid exercise of the municipality's power to zone for the welfare of the community under the enabling legislation.

Ettlingen Homes, Inc. v. Town of Derry & a., 141 NH 296 (August 12, 1996). Recently, the New Hampshire Supreme Court issued its opinion in the above referenced case. This decision has serious ramifications regarding the analysis a planning board may engage in the determination of "scattered and premature" development, but provides useful discussion of growth management as it relates to school facilities.

The facts of this case involve a developer seeking subdivision approval in the Town of Derry for dividing an 81 acre parcel into 23 residential lots. The planning board denied the application finding it to be scattered and premature as defined in their regulations. The provision in Derry's regulations mirrored an earlier form of RSA 674:36 and provided that the planning board could deny an application based on:

"such factors as scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, or prosperity by reason of lack of water supply, drainage, transportation, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.

Derry Land Development Control Regulations V, B (4) (1993); see RSA 36:21 (1970) (repealed 1983)."

The applicant argued that the disapproval exceeded the authority of the planning board and constituted illegal growth control. The trial court found that the applicant had not met the burden necessary to overturn the planning board decision. The applicant then brought this appeal to the Supreme Court, arguing that the planning board's decision was invalid under the scattered and premature language in the regulations and "constituted illegal growth control." The review by the Court was limited, stating, "[o]ur inquiry...is whether the planning board exceeded its subdivision control authority in denying the plaintiff's application." If the Court were to find that the evidence did not support the trial court's conclusion, or that conclusion was "legally erroneous" the Court would reverse.

First, the Supreme Court stated that this case, like Zukis v. Fitzwilliam 135 NH 384 (1992), and Garipay v. Hanover, 116 NH 34 (1976) did not involve an examination of growth control provisions. Reviewing these cases, which involved the question of how existing roads that were inadequate could cause future development to be premature, the Court quoted Garipay stating that the board's duty is to "ascertain what amount of development, in relation to what quantum of services available, will present the hazard described in the statute and regulations. At the point where such a hazard is created, further development becomes premature." The

Court's view of the board's inquiry is "the effect of the proposed development on the community, not the effect of further development in general on the community."

Continuing, the Court attempted to distinguish the analysis for scattered and premature and growth control. Citing Rathkopf's *The Law of Planning and Zoning*, the Court distilled this distinction to a difference between a balance of the development concerns of an entire community versus the more specific focus on a particular development, including consideration of the compatibility of the use of the land with surrounding development, the highest and best use of the land, and the financial interests of the purchaser, developer, and town. It seems that although the effect is exactly the same, namely that the growth is limited through "growth control" or "scattered and premature", the means to reach this end is critical.

The Court admits that any denial of approval will limit growth. In terms of "premature" the Court stated that the Board must consider current as well as anticipated realities. The board in this case considered the "realities" of the schools. The Court recognized that this is a legitimate and statutorily permitted inquiry. However, citing to the testimony provided by a planning board member at trial, the Court found that the board's concern that the Town could not afford the expansion in services that the development required were considerations for growth control regulation not as "scattered and premature".

Although the Court legitimized the concern for expenditures as found in the statute, the provision does not serve to replace comprehensive growth control regulation. Thus the Court concluded that "the circumstances of the school facilities...do not constitute a 'danger to health, safety, or prosperity by reason of the lack of...schools.'"

It seems that this decision eliminates the possibility that the conditions of schools can be the sole reason for finding that development is scattered and premature. However, there are many questions left unanswered. Why are schools mentioned in the statute if they are not an appropriate aspect for the analysis to determine "scattered and premature"? Also, what happened to last part of the statute which provides that the planning board can provide against scattered and premature subdivision that will "necessitate the excessive expenditure of public funds for the supply of such services"?

In its analysis, the Court cites to cases involving unsafe roads. The Court seems to conclude that there must be a hazard or danger to health, safety, or prosperity without providing any guidance or analysis as to how inadequate school facilities do not present such a danger. The Court fails to mention the effect of increased expenditure of public funds for increases in school facilities. More property taxes is one such anticipated reality. Also, school crowding and poor education facilities can be unhealthful, unsafe, and even dangerous to the long term prosperity of the students and the community.

It would be difficult to imagine a situation where consideration of schools would allow for a

finding of scattered and premature. The only possibility is that the bus route may be too far away, or too dangerous, but these concerns are not excessively expensive or fall under the analysis for the road situation as in Zukis and Garipay. However, the language is clear in the decision that schools are an appropriate consideration for a comprehensive Growth Management Plan.

Copies of these Supreme Court cases, and relevant statutes are included as Appendix G-A.

GROWTH IN FREMONT

Population Growth

The first way to analyze growth is to look at historic population totals as well as population projections for the future. The most reliable data is presented by the US Census. The New Hampshire Office of State Planning (OSP) publishes population data based on the census data. Although speculative, and even discounted in a recent Supreme Court case (see discussion of the Rancourt decision above), the projections may still be used as part of the basis for analysis of current and future growth trends. A proper analysis must detail comparative growth rates on increasing scales. This analysis allows one to appreciate the true impact of growth for the Town of Fremont. These comparative numbers are presented in multiple formats below. These charts and tables show the population as reported through the US Census and NH OSP. State, county, and regional comparisons are also detailed.

An important factor to analyze is population growth trends in Fremont's surrounding region, known here as Fremont's "community". These towns are Epping, Raymond, Chester, Sandown, Danville, and Brentwood. They were chosen because they are geographic abutters and display rough similarity in available land for development, and demographic make-up. We have adopted this surrounding region, as our "community" as defined in the Britton case discussed above. This community will be most impacted by our actions and we chose them to insure that our planning and growth management efforts are in accordance with a balanced approach to both our own needs and that of our community.

In order to "close the loop" on our community planning, we have also widened the lens of our view to include, where available, the county, and the entire State. This has allowed us to uncover population trends experienced in the Town, the Community and the State.

POPULATION PROJECTIONS FREMONT AND COMMUNITY 1990 - 2020										
Years										
Town/Areas	1980	1985	1990	2000	2005	2010	2015	2020	Projected Population Increase in Persons 1980-1990	Projected Population Increase in Persons 1990-2020
Fremont	1333	1675	2576	3293	3579	3797	4119	4453	1243	1877
Brentwood	2004	2183	2590	3155	3441	3659	3981	4315	586	1725
Epping	3460	4107	5162	6184	6946	7554	8520	9559	1702	4397
Sandown	2057	2801	4060	5211	5922	6515	7485	8528	2003	4468
Raymond	5453	6788	8713	10439	11462	12490	13732	15059	3260	6346
Chester	2006	2220	2691	3409	3716	3973	4387	4805	685	2114
Danville	1318	1933	2534	3538	3977	4341	4938	5580	1216	3046
Community	16298	20032	25750	31936	35464	38532	43043	47846	9452	31548
State	920475	967612	1109117	1228794	1306638	1358750	1441668	1527873	188642	607398

Average Annual Percent Change						
	1980-90	1990-00	2000-10	2010-20	1990-20	1980-20
Fremont	6.81%	2.49%	3.96%	1.61%	1.84%	3.06%
Brentwood	2.60%	1.99%	3.52%	1.66%	1.72%	1.94%
Epping	4.08%	1.82%	3.88%	2.38%	2.08%	2.57%
Sandown	7.04%	2.53%	4.84%	2.73%	2.50%	3.62%
Raymond	4.80%	1.82%	1.81%	1.89%	1.84%	2.57%
Chester	2.98%	2.39%	1.54%	1.92%	1.95%	2.21%
Danville	6.76%	3.39%	2.07%	2.54%	2.67%	3.67%
Community	4.68%	2.18%	1.90%	2.19%	2.09%	2.73%
State	1.88%	1.03%	1.01%	1.18%	1.07%	1.27%

Source: NH population projections - Total Population for Cities and Towns 1980 to 2020

NH Office of State Planning

The above chart displays historic and projected population values for Fremont and its community and spans the years 1980 to 2020. The data was obtained from the NH OSP.

From the chart, Fremont ranks toward the bottom in total population increase compared to its community. That is, the actual number of persons added to Fremont is below that of the surrounding community. The true measure of population change in Fremont can be seen in comparing Average Annual Change (AAG) in population over time. Through this window of

analysis one can see Fremont had the second highest AAG behind only Sandown for the 1980 - 1990 timeframe. Danville ranked third in AAG for the same period. The 1980 to 1990 decade is important because those are census years and the data used to calculate the AAG is the most reliable data available. Fremont's AAG over the entire study period (1980 - 2020) ranks third behind Sandown and Danville. It is important to note that both of these communities have enacted growth control measures.

The Average Annual Change Fremont exhibits is higher than that of its community for many decades and the State for every timeframe observed. Every time Fremont has a higher AAG than its community a discrepancy in development allocation is occurring. Fremont is absorbing a higher proportion of the population growth in the region studied. From the chart one can see Fremont's AAG is higher than its surrounding community for the decades of 1980-90, 1990-00, and 00-10. In the final decade of analysis, 2010-20, Fremont yields an AAG lower than that of the region. Perhaps the fall is due to the large 3.96% AAG increase the decade before and a drop off is being experienced. Like all the assumptions being made herein pertaining to population numbers these projections and trends will need to be reevaluated after the 2000 and 2010 censuses.

Growth in Fremont is projected to take off in the next decade. According to OSP projections the next surge of growth in Fremont, during the years between, 2000 - 2010 will be second in magnitude (3.96% AAG) only to Sandown (a projected 4.84% AAG). Over time Fremont has experienced population growth patterns similar to Danville and Sandown. As mentioned before Danville and Sandown, exhibiting foresight and demonstrating proactive planning have already enacted growth controls in an effort to minimize the adverse costs of superfluous growth. It will be made evident below that it is time for Fremont to follow suit.

Therefore, we must look at population data as an indicator of growth, not a definitive statement. However, the true growth that is being experienced is more adequately displayed by the recent explosions in building permits and school enrollments, and tax rate increases.

Building Permit Information

Another way to measure growth and determine the appropriate remedial effort is to analyze the historical trend and present numbers of new housing units within Fremont. By comparing this to the surrounding communities it can be determined if Fremont is experiencing its fair share of growth or a disproportionate amount of growth as compared to the community. This information, for the last six years, is displayed below.

Building Permits as Growth Indicator 1994-1999

	Total Units 1994	1995	1996	1997	1998	1999	Added units 95-99	Total units 1999	Percent Total Change	1994-1999 % Average Yearly Increase
Brentwood	882	16	26	32	46	41	161	1,043	18.3%	3.4%
Chester	1,069	38	33	30	44	86	231	1,300	21.6%	4.0%
Danville	1,130	72	84	91	70	18	335	1,465	29.6%	5.3%
Epping	2,202	20	25	30	46	28	149	2,351	6.8%	1.3%
Fremont	1,060	39	29	22	47	27	164	1,224	15.5%	2.9%
Raymond	3,509	37	36	35	56	14	178	3,687	5.1%	1.0%
Sandown	1,696	33	22	33	22	19	129	1,825	7.6%	1.5%
Total	11,548	255	255	273	331	233	1,347	12,895	11.7%	2.2%
Fremont Region	10,488	216	226	251	284	206	1,183	11,671	11.3%	2.2%

Analysis of Building Permit Data

The chart above shows Fremont ranks fourth in its community having the fourth AAG over the study period. Additionally, the chart above illustrates Fremont is experiencing the allocation of a disproportionate amount of new building permits in its community or region. Fremont's AAG for the 6-year study period is 2.9%. The 2.2% AAG experienced by the community as a whole and the same rate for the average of the combined averages of annual change for the community are lower than the AAG for Fremont. These new units result in higher populations, particularly younger children due to the nature of the developments themselves, which have recently been constructed or are in the process of construction. These units are geared toward families and thus impact the school population. By focusing on the community as a whole, a percentage for appropriate or "normal" growth can be determined. A 2.2 percent growth rate for new home building permits would be an appropriate goal for growth control, as well as, allowing additional development but at a slower more sustainable pace.

However, there are a number of subdivisions already approved that may be exempt from these restrictions. Regardless, in order for the Town of Fremont to accommodate reasonable growth the AAG rate should be at or near 2.2 percent. Other factors such as tax rate increase and school enrollments and enrollment projections and how these numbers compare to community and State numbers aid in this determination. Future analysis will always allow for modification of this number.

GROWTH, TAXATION, AND TOWN SERVICES

The consequences of uncontrolled and disproportionate growth have a significant impact upon the residents of Fremont. Comparing tax rates across communities is yet another measurement

for growth trends. Intimately related to rapid growth is an increase in demand for town services and facilities. The impact on services can be measured by increased calls upon police and fire services, as well as, increased demand of school services. Though the impact on these services can be surreptitious and not readily noticeable. The impact on tax rates oftentimes will be the early warning sign that town utilities and services are being overburdened.

As the number of residents grows the services required to provide the quality of life that is a part of Fremont's heritage also increases. This quality of life includes safety in the form of quick response by fire and police officers, safe roads for commuting, recreational facilities, Town office hours, library facilities, and finally school facilities. Since Fremont has grown so rapidly in the last twenty years, the Town has not had an opportunity to reach an equilibrium that balances the services required and the number of residents present or projected. The subject of Town services, and the impacts of growth on the services; which in turn has an impact on the residents of Fremont, is discussed below.

The tax rate table shows the rising trend in rates over the past 10 years. Fremont's tax rate has risen from \$15.66 in 1989 to a high of \$27.63 in 1997. In 1998 and

Equalized Tax Rate History Fremont, Community, County and State in Dollars

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Percent change 1989- 1999	Average Annual Change 1989 - 1999
Fremont	15.66	17.58	22.86	26.04	26.47	27.73	27.39	27.09	27.63	24.50	18.66	19.2%	1.8%
Brentwood	15.41	20.09	21.36	22.98	24.91	25.40	23.63	22.68	23.16	23.41	21.30	38.2%	3.3%
Chester	16.02	17.18	18.07	22.95	25.81	24.75	24.51	25.19	25.91	23.67	19.99	24.8%	2.2%
Danville	15.64	19.69	18.81	24.40	24.26	27.10	27.50	24.77	24.31	23.86	18.55	18.6%	1.7%
Epping	21.57	20.99	27.06	31.56	33.89	32.16	31.42	30.41	28.42	26.45	18.99	-12.0%	-1.3%
Raymond	21.33	23.18	25.60	26.99	29.54	31.02	33.69	30.60	30.40	28.61	20.65	-3.2%	-0.3%
Sandown	17.71	21.60	22.37	28.84	27.53	29.71	30.37	30.08	33.09	30.86	22.06	24.6%	2.2%
Community Average	17.95	20.46	22.21	26.29	27.66	28.36	28.52	27.29	27.55	26.14	20.26	12.9%	1.2%
Rockingham County	14.23	15.67	18.00	18.53	21.37	21.68	22.21	22.63	22.57	21.65	19.12	34.4%	3.0%
State	15.67	18.02	20.63	22.88	24.58	25.34	25.10	25.60	26.22	24.87	20.97	33.8%	3.0%

source: NH Equalization Survey, 1989-1999, NH Department of Revenue Administration

1999 Fremont's tax rate actually declined to \$24.50 in 1998 and to \$18.66 in 1999. The high rates of the early and mid-nineties were replaced by a lowering trend at the end of the decade. This rather precipitous drop in tax rate can be attributed partly to the new statewide school property tax.

Town Services

Often the stories of those who have suffered an unfair burden, due to growth and corollary tax increases, fall upon deaf ears. The salience of growth management increases when one looks at the effect of growth on public safety, namely fire protection and police protection.

There are two ways to address the impact on town services, one is to increase taxes and meet the needs of the citizenry, the other is to decrease services. Decreasing services is a threat to the safety and welfare of the community and should only be used as a last resort. Therefore, either new revenue must be generated or the added expense from abnormal and disproportionate growth must be brought under control. First, an examination of the nature of the problem must be undertaken. By looking at services, how they are impacted by growth, and the current status of the facilities, we may determine how growth will impact the ability of the town to provide these essential services. Also, the citizens themselves must be accounted for, both in their need for services, the impact of decreased services, and how increased tax rates continue to impact their lives.

A simplistic equation can illustrate the relationship between unrestricted and disproportionate growth and its impact upon the current level of services. Police services will be used as an example to help examine this issue. The already vastly overburdened school system will be discussed in its own section. However, it should be noted that the current impacts on schools have already triggered the outcome and situation described below.

Let us assume that one full time and one part time officer, one cruiser, and a small physical plant is needed, and is present, to serve the town. Furthermore, let us assume the operating and maintenance expenses can be distributed over the next twenty years, assuming a steady growth that is comparable to the region. With a capital improvements program in place, that bases its findings on this steady growth, the Town can plan for the acquisition of a new cruiser to replace the oldest and the eventual transition to two or three full time officers. Due to this steady and reasonable growth the town does not have to plan for a new facility in the foreseeable planning future. Then let us assume that the town experiences unique and disproportionate growth over the next twenty years.

Now we have a crisis. Assuming double the growth, the expenses are required half as soon as expected. The full time officer is needed now, the cruiser is needed now, and new facilities--previously unplanned for, are needed in the near future. When these needs are added to the already expanding costs, the capital funds needed to fund this service jump.

The charts and graphs on this page display the number of police responses based on reportable offenses.

Fremont has experienced a 131.95% increase in reportable offenses over the seven year period represented above. Fremont saw the hiring of their first full time officer in 1997. The effect this full time officer has had on crime cannot readily be observed. The number of reportable offenses has actually increased since the hiring of a full time officer.

A marked increase in reportable offenses occurred in 1994. The reason for the rapid increase is given by Chief of Police Neal R Janvrin in his 1994 annual report:

"The increase in the number of calls for service is due to many things; the increase in Fremont and the surrounding area, the higher volume of traffic that is going through the town, and citizen awareness."

1994 Fremont Town Report

In his 1999 report Chief of Police Neal R Janvrin reflects upon the changes growth brings.

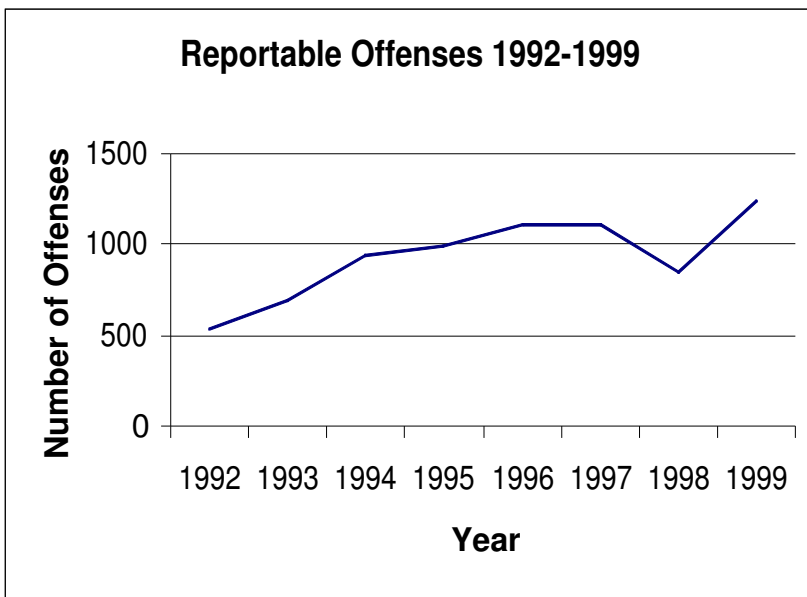
"Since I was first elected Police Chief for the Town of Fremont in 1989, there have been many changes in our town. They include 26 new streets, 363 new homes, over 800 new residents, traffic counts have gone up 75% from 4,116 vehicles per day to 7,378 vehicles per day. Unfortunately these changes have placed a strain on all of the Emergency Services within the Town."

"I have seen a dramatic increase in both calls for service and the patrol activity. Our number of reports has risen 110% since 1992 and our patrol activity has gone up 28% in just one year."

1999 Fremont Town Report

The impacts of growth is what the Chief of Police is speaking about. Specifically the strain growth puts on the ability of a community to police itself. The strain will only grow and grow without proper growth management initiatives.

With an increase in residential development, it seems likely that the number of offenses that the police will be unable to deter will increase, as well as, a continued increase the number of reportable crimes. If we can bring this growth under control and expand these services with



Police Department Reportable Offense Responses	
Year	Offenses
1992	532
1993	688
1994	935
1995	994
1996	1103
1997	1104
1998	846
1999	1234
Average Annual Change 1992-1999 12.77%	
Percent Change 1992 - 1999 131.95%	

Year	Offenses
1992	532
1993	688
1994	935
1995	994
1996	1103
1997	1104
1998	846
1999	1234

Average Annual Change 1992-1999	12.77%
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Percent Change 1992 - 1999	131.95%
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natural growth it will make Fremont a safer place to live. Factor into this assumption that hiring one full-time officer had little or no effect on the number of reportable crimes the hiring of another full-time officer might be needed to meet the recent increase of calls and to display a presence of police power that may deter crime.

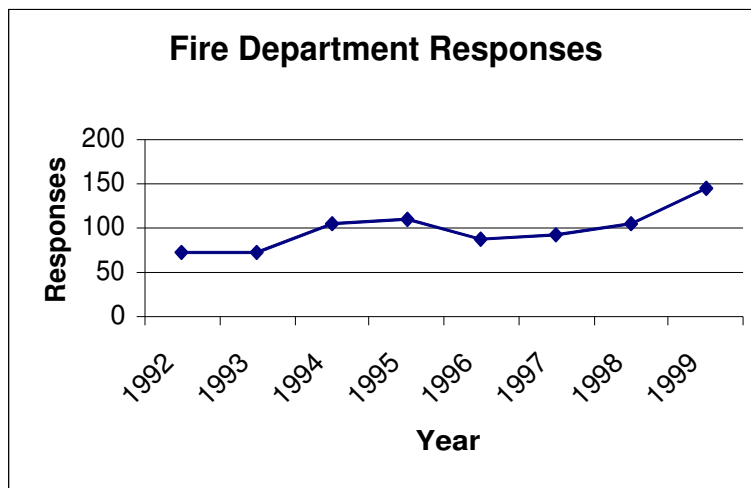
The fire department has also been under strain due to this extraordinary growth. The chart below depicts the number of calls for the department over the last seven years.

Fire Department Responses	
Year	Responses
1992	73
1993	73
1994	105
1995	109
1996	88
1997	93
1998	104
1999	146

The number of calls to the fire department has increased over the past seven years tailing off the last two years. The main reason for this sudden rise is the use of in-home carbon-monoxide detectors. According to Richard C. Heselton, Fire Chief other increases were noted for: “new construction and planning for renovations, requests for information from insurance companies, real estate agencies, and calls from homeowners on chimney construction, placement of smoke detectors and a marked increase in day care and foster home inspections.”

Source: 1996 Annual Town Report, Fremont, NH

Again, all these changes and additional strains are being brought on by growth. As Fremont grows into the future calls for service to the fire department will grow as well. Reviewing the annual fire reports from 1992-1999 published in the Fremont's Annual Town Report it appears the fire department is severely overburdened and undermanned. The addition of the new Safety Complex in 1998 has made it much easier for the department to carry out its duties. Staffing the department, however, continues to remain the critical issue.



Currently, Fremont is a volunteer fire department. This means that most of the personnel are out of town during the day for other commitments such as, work, personnel matters, etc. With the current unrestrained growth, the number of potential accidents and fires increase with the rise in housing units, people, traffic, etc. Therefore, what is already a risky situation will become extremely unsafe and hazardous as development increases. The

1997 Fire Department report sheds light on the problem of manpower in the fire department:

“1997 will my 20th year as Fire Chief and 44 years of service to the Department, and I have seen a lot of changes, not all for the best. Perhaps one of the most disheartening is the marked decrease in volunteerism.”

Source: 1997 Annual Town Report, Fremont NH

The decrease in volunteerism could be a product of many things. Could it be, however a product of growth itself? Above is a commentary on how unchecked growth and its appended consequences deteriorates a town's moral, its sense of place, and citizen's feelings of stewardship. Could this surge of growth be fostering a sense of apathy in the town of Fremont? And is this apathy manifesting itself in a collective attitude that gives nothing back to the town? (E.g. the decline in volunteer fire persons). The answer to this question is not so easy to find. Regardless, the fire department is currently under-manned and under-equipped. The budget has been fixed for the last ten years at \$3,550. In 1995 two forest fires alone cost the town \$4,000.

It is clear that without control of the current extraordinary growth these services will not be able to keep pace with the need, thus continuing to risk property and human safety. If Fremont wishes to grow any more the safety of its current and future residents will have to be more carefully guarded.

Increased police and fire presence will contribute to the safety of Fremont. In its current State these facilities present certain hazards due to the need compared to capacity. The limited presence of both fire and police personnel, and the increase in incidents combine to present a hazardous and unsafe situation as the response time declines and the frequency of incidents increases. With the current extraordinary growth this situation will only be worsened. Therefore, it is imperative that unnatural growth be brought under control in order to assure that these Town services are provided to ensure the health and safety of the citizens and property of Fremont. We realize that growth will occur, but it is not necessary to sacrifice life, safety, or the economic well-being of the citizens of Fremont to accommodate growth that is above regional and State growth rates..

During this time of restricted growth, taxes may be raised more in order to build-out these services so that they may be provided at a rate that is commensurate with the development Fremont is experiencing. This is the only solution that will preserve the health, safety, and welfare of Fremont.

Another option is to retard the level of service. This presents even more dire circumstances, particularly with police services. Response time decreases. The job becomes more taxing. What happens if there are two or three serious situations occurring at one time? An increase in population statistically leads to more travelers on the roads, and more situations needing police attention. When an already over- taxed department reaches a critical situation, a breakdown may occur that could easily result in injury or loss of life.

Replace the above analysis with the fire department, as shown, and the exact situation occurs. Replace the department with the library, recreation department, or other recreational facilities,

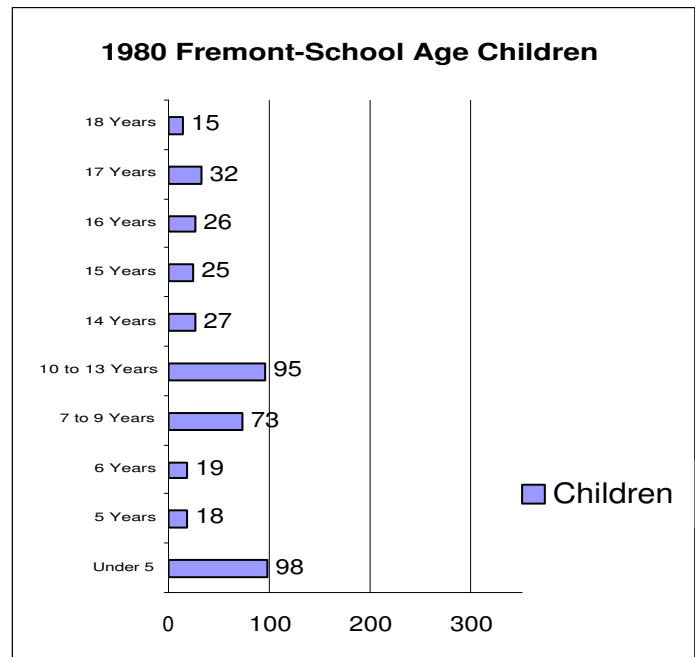
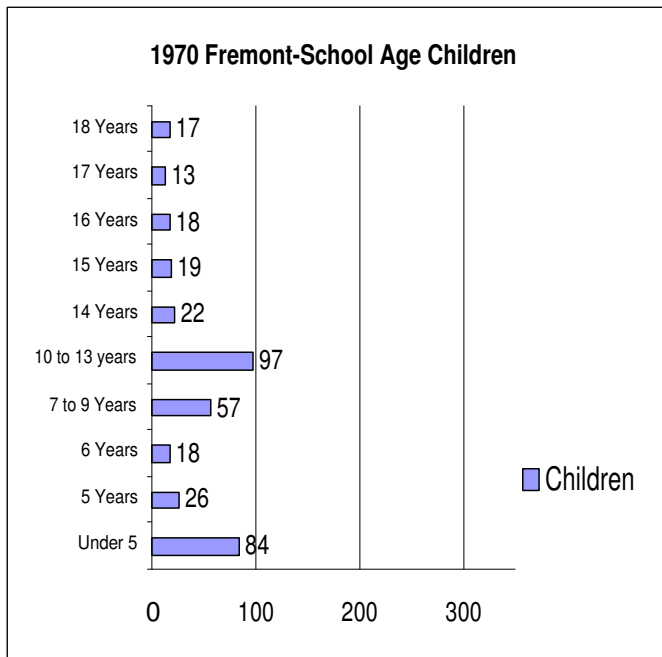
and there occurs a significant impact on the general welfare of the community. The very attractions that precipitated the growth itself will cease to exist. The quality of life itself begins to decline, and Fremont is no longer able to maintain the image that it once portrayed, and the Town is irrevocably changed.

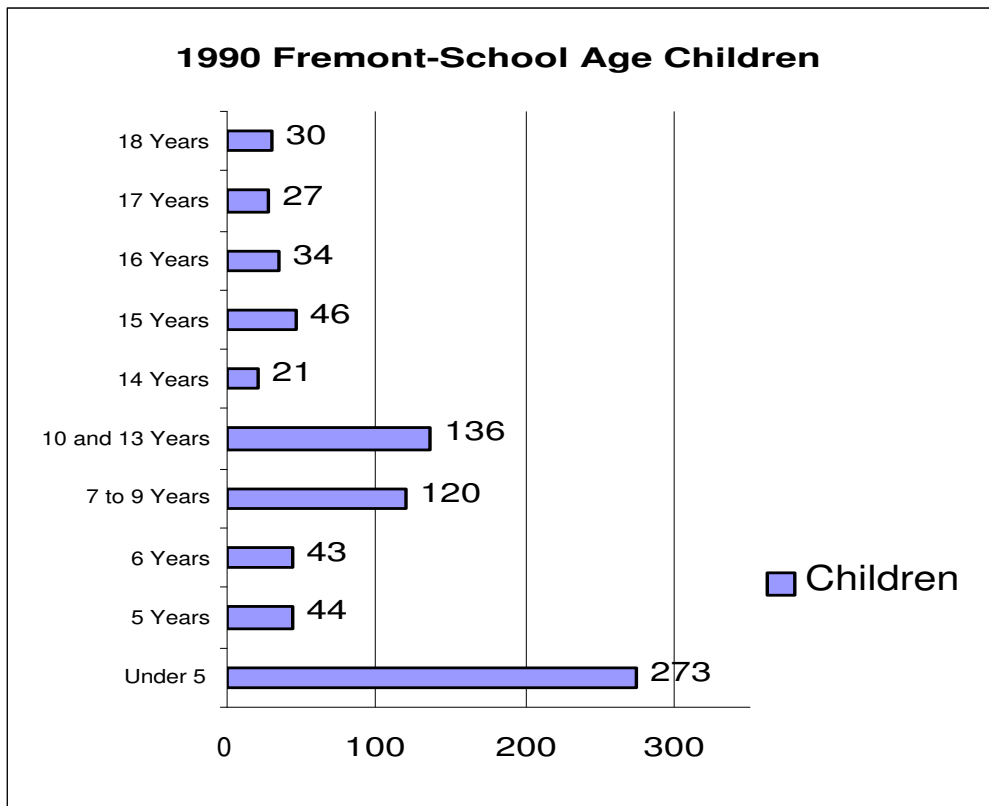
However, with a steady and predictable growth, concerned citizens and Town officials can plan for the increase in population and the resultant need for services and maintain the high quality of life and community that everyone deserves to be a part of. It is not necessary to halt all growth, merely to maintain a steady and reasonable growth that no longer impacts the current and future services or unreasonably increases the current tax rate. Steady and predictable growth that is consistent with the regional community will allow both old and new citizens to maintain the quality of life and safety that attracted them to Fremont.

GROWTH & SCHOOL FACILITIES

Regional Population Growth - School Age Children

Following, is an illustration found in a number of charts and graphs that details the number of children and the percentage increase over the periods of the last three US Census reports for the Town of Fremont. The first chart depicts the totals for all school age children ages 0-18, broken down by age. The chart and associated graphs display a change in Fremont's age structure over twenty years. Unfortunately, this data is not available in any other format. Due to the difficulty presented by using numbers that are nearly 10 years old, this analysis can only be used as indication of the recent growth over the past twenty years. However, by looking at the pace and type of recent development in Fremont, it is obvious that this trend will continue and may have accelerated. This data must be re-evaluated when the year 2000 Census information becomes available.





1990		1980		1970	
Under 5	273	Under 5	98	Under 5	84
5 Years	44	5 Years	18	5 Years	26
6 Years	43	6 Years	19	6 Years	18
7 to 9 Years	120	7 to 9 Years	73	7 to 9 Years	57
10 and 13 Years	136	10 to 13 Years	95	10 to 13 years	97
14 Years	21	14 Years	27	14 Years	22
15 Years	46	15 Years	25	15 Years	19
16 Years	34	16 Years	26	16 Years	18
17 Years	27	17 Years	32	17 Years	13
18 Years	30	18 Years	15	18 Years	17
TOTAL	774		428		371

The first two graphs of the array are displaying an age structure that is typical of a region or country that is experiencing moderate to slow growth. Notice the curves of a line that begins at the under-5 age classification and continues to the next category (5-years), connecting peaks of each bar (referred to as “the shape of the graph” below). For 1970 the line illustrating the shape of the graph would begin at the top of the 84 persons bar and curve down to the 26 persons mark. The line would then peak out at 97 persons for the 10-13 year age group, then slope downward to 22 person for the 14-year age group, then pretty much level off through the 18-year age group. The interesting about the 1970 data is what age group the highest number of children occur. The highest number of children occur in the 10 to 13 year-old age group, outdistancing the under-5 age group by 13 children. Generally, a town, region or country that had an age structure like this one would be steadily declining, all other things remaining the same. Looking at the age distribution in 1980 one can see this pattern deteriorating. The highest child count is in the under-5 age group, outdistancing the 10-13 group by only 3 children. Despite this change the shape of the graph is still relatively the same. As of 1980 Fremont’s age distribution indicates a stable or moderately growing region. All this changed with the arrival of the 1990 census. Looking above at the graph of the 1990 information the historical pattern of age distribution dramatically changes. The youngest age group categorized experienced rapid growth. The wide base of young children changes the interpretation and meaning of the graph. Fremont’s graph for school age children in 1990 resembles a country or region that is either presently experiencing rapid growth or will in the near future. Specifically, the graph resembles that of the typical developing country. Having an age structure similar to the typical developing country is a disturbing demographic shift. This means not only that the population is growing but it will continue to grow even more so in the next twenty years as the youngest age cohort grows up and has children of their own. The growth is exponential and difficult to slow down once the demographic framework is place.

The following chart illustrates the Average Annual Change for each age group over time. The age group of under-5 had the highest AAG over the entire study period and exhibited a dramatic increase in the 1980 to 90 decade. The next two age groups, 5-years, and 6-years experienced the second and third highest growth rates, respectively, in that decade. The results of the rapid increase is illustrated in the 1990 graph of School Age Children, above. Though these numbers become diluted over the entire study period the under-5 age group still has the highest AAG and the 6-year group is second overall from 1970 to 1990. The trends analyzed above all point to the fact that Fremont is presently experiencing rapid growth and will most likely experience increasing growth in the future. These trends will have to be tested against year 2000 census information to determine their validity in the present.

Average Annual Change, Age Groups Under 5 to 18 years			
	Average Annual Change 1970-80	Average Annual Change 1980-90	Average Annual Change 1970-90
Under 5	1.6%	10.8%	6.1%
5 Years	-3.6%	9.3%	2.7%
6 Years	0.5%	8.5%	4.5%
7 to 9 Years	2.5%	5.1%	3.8%
10 and 13 Years	-0.2%	3.7%	1.7%
14 Years	2.1%	-2.5%	-0.2%
15 Years	2.8%	6.3%	4.5%
16 Years	3.7%	2.7%	3.2%
17 Years	9.4%	-1.7%	3.7%
18 Years	-1.2%	7.2%	2.9%
AAC of Total Students 1970-80	AAC of Total Students 1980-90	AAC of Total Students 1970-90	
1.4%	6.1%	3.7%	

The most critical information the above data holds that during this period Fremont grew at a rate similar to or in advance of the other Towns in its community. The data shows that although Fremont grew at roughly the same rate in overall population, there has been an incredible growth factor in school age children during the same period. This facet of population growth is the most critical when analyzing the impacts of population upon taxes and town services because the age group demands not only the most services but represents the vast majority of town expenditures. Aside from the obvious impacts on the need for school facilities, and the tax consequences such expenditures create (discussed in more detail below in this Chapter), school age children also access many other services such as, library facilities, recreational facilities, etc.

Taking the above information in light of the recent extraordinary growth, the nature of the impact is even more startling. There is no data that suggests this type (not only sheer numbers, but the disproportionate increase in school age children) of growth experienced by Fremont will change. Therefore, without action by the Town the crisis will only be exacerbated to the detriment of everyone, including those recently moving to Fremont. The unfortunate impact is upon the children, whose education will suffer the most. (See section on Overcrowding and Education).

From the chart comparing recent populations of census information, only Sandown has experienced more growth in people under 18. It should be noted that Sandown has enacted a Growth Control Ordinance to address this same crisis. Further examination of the data provided by the Timberlane District shows that the growth in the younger populations continues. In light of this, Danville has also undertaken a comprehensive growth management process as well. It only follows that Fremont also consider a growth management process to

smooth out the impacts of growth that detrimentally interfere with the general welfare and safety of the citizens from adverse impacts on town services.

The following chart shows the comparison of young and school age children (ages 0-19) and the comparative growth in the surrounding communities (the shaded areas are members of the Timberlane School District). The chart also shows the percentage increase as found in the US Census reports 70, 80, & 90.

	1970	1980	1990	% increase 70-80	% increase 80-90	
Fremont	386	445	792	15.2	77.9	
Danville	386	470	737	20.8	56.8	
Atkinson	1000	1604	1504	60.4	-6.2	
Plaistow	1974	1980	2045	0.03	3.2	
Sandown	275	688	1423	150.1	106.8	
Brentwood	502	597	650	18.9	8.8	
Hampstead	914	1251	2063	36.8	64.9	
Kingston	1138	1351	1688	18.7	24.9	
Epping		1066	1435		34.6	
Chester		630	737		16.9	
Raymond		1724	2692		56.1	
Rockingham	54987	61985	69842	12.7	12.6	
State	281540	295048	313395	4.7	6.2	

While this chart shows the Census data, and the increase of children in the past from 1970-1990, the current numbers show that the situation has reached a critical point for Fremont, especially when compared to the results presented above. The capacity, enrollments, and projections all show that Fremont is experiencing growth and inadequate school facilities unlike any other town, even those in the Timberlane region. This is true even for Sandown

which shows higher growth. Growth is only one factor, it is the combination of growth and facilities that truly displays the crisis.

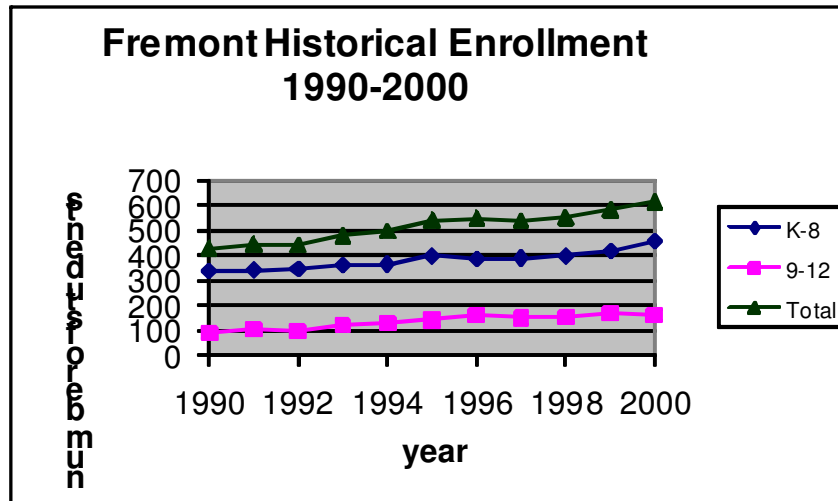
A more focused analysis of Fremont's school age population shows that the current situation must be addressed regardless of the conditions of the surrounding communities. There are several charts and tables included that show the age distribution in Fremont and the surrounding community.

In addition to the tax impacts that this growth represents, there is also a decline in educational services that accompanies such a burden. Through the overcrowding and rapid expansion of school age population without the concurrent and adequate expansion facilities, infrastructure, and staff to serve this population the overall quality of education will drop. This drop will detrimentally affect the future for these children as their education becomes compromised.

Fremont School Age Population Growth

Below is the age distribution of Fremont's school aged children. These charts and graphs show the actual historic and the projected enrollment figures for Fremont's school aged children. An analysis of this data shows that it is apparent that an increasing number of children are going to burden the schools at an exponential rate.

Fremont Enrollment 1990-2000			
Grade	K-8	9-12	Total
1990	337	89	426
1991	339	103	442
1992	344	95	439
1993	357	121	478
1994	364	131	495
1995	396	143	539
1996	385	163	548
1997	388	150	538
1998	397	154	551
1999	414	169	583
2000	455	161	616



The chart above shows a steady overall increase in enrollment in the Ellis School and high school students.

Average Annual Percent Change in Enrollment			
	K-8	9-12	Total
1990-2000	3.05%	6.11%	3.76%
1990-2010	2.88%	5.33%	3.56%
2001-2010	2.74%	5.42%	3.54%

The overall student population has seen a steady increase from 1990 to the present. Similar, perhaps even more startling trends, are seen in projected enrollment figures from 2001 to 2010. The average annual percentage growth in projected enrollment is most dramatic in high school aged students. From 1990 to 2000 the average annual percent increase was over six percent for grades 9-12. In 1990 there were 89 Fremont children enrolled in high schools outside of Fremont. In 2000 this number had increased to 161 students. The projected number of high school students in the system is expected to peak in this decade at 311 in 2009. This is a staggering total increase in student population. The increase in students enrolled in K-8 has also increased in the past decade. An average annual increase of over three percent from 1990 to 2000 was realized. Enrollment over the next decade is projected to maintain a similar yearly growth average at slightly less than three percent.

Fremont Enrollment Projections 2001-2010			
Grade	K-8	9-12	Total
2001	469	181	650
2002	482	187	669
2003	517	208	725
2004	533	236	769
2005	553	244	797
2006	543	279	822
2007	556	286	842
2008	555	306	861
2009	571	311	882
2010	598	291	889

As has been testified to earlier in this chapter the Ellis School is currently at capacity with over 430 students. With enrollment expected to top 500 students as early as 2003 and that by 2010 enrollment will be nearly 600 students suggests that there is a serious capacity issue at the grade school level. With high school aged children expected to increase at this continued high

pace the need for Fremont to solve the high school problem begins to reach a critical point.

An analysis of these tables and graphs shows startling trends in growth of school age children. While total population figures represent a depiction of the entire population, these charts show the heart of the issue for growth in Fremont. The total population is rising at an alarming rate, however, the school age population is increasing at an even more unnatural rate. The most important aspect of Fremont's growth is in school age children. This is due to the disproportionate impact these age groups have on Town expenditures in education and recreational facilities.

Throughout each age group the growth is not only continuing, but recent trends show an acceleration of such growth. Thus, Fremont is not only faced with growth, but growth that is accelerating. Further analysis of the actual numbers shows that the current situation will soon result in a crisis of significant effect unless immediate action is taken. For instance, the number of children aged 0-5 and 5-9 has increased incredibly. In 5 years all of these children will be in school. This means that even if growth were to be halted Fremont schools will have to bear an explosion in school population as the density of young children move up through the schools. Unfortunately, this growth will not stop, and if it continues at the current unnatural rates, an unavoidable and exceedingly detrimental impact will occur because of this phenomenal growth.

In addition to the tax impacts that this growth represents, there is also a decline in educational services that accompanies such a burden. Through the overcrowding and rapid expansion of school age population without the concurrent and adequate expansion facilities, infrastructure, and staff to serve this population the overall quality of education will drop. This drop will adversely affect the future for these children as their education becomes compromised.

Furthermore, in the older age group, the growth in school age children 10-13 continues to accelerate. The population of children has increased from 1970-1980, and doubled from 1980-1990. As these children age they will exit school, and the brief respite will be replaced with the younger aged children that will present even more serious issues for school officials.

This incredible increase will burden the Town of Fremont for a long time. There is no way to accommodate this type of unnatural growth, however, by controlling abnormal growth spurts it may be possible to engage in long range planning for increasing services. Therefore, a growth management process that evens out the growth must be instituted to allow the Town to appreciate steady reasonable growth and to restrict only that growth which is unduly burdensome and disproportionate.

Impacts of School Age Population Growth

The significant growth experienced in these age groups in such a short time creates a wide range of issues. It will be impossible for the school district to accommodate such tremendous growth in such a short time. Such rapid expansion presents numerous internal problems, among these problems are; availability of physical space, ability to expand programs to adequately serve the influx of students, expansion of staff, acquisition of new land and facilities, and during periods of expansion there exists the continuing issue of

overcrowding and the negative impacts on education by larger class-sizes as schools struggle to accommodate extraordinary growth.

Recognizing the above problems and factors that accompany growth, the Fremont School Board has initiated several committees to address the impacts such growth creates.

Status of School Facilities

Elsewhere in this chapter an analysis has been done of Town facilities other than education facilities. Although those other facilities merit attention, it is the status of the educational facilities that have moved in to the realm of crisis management. There are aspects of the current school facilities that are unsafe. This is without even broaching the issue of detrimental effects of overcrowded classrooms on the quality of education provided. The issue of educational quality and overcrowding will be discussed in detail as it contributes to the general decline in the lives and opportunities of our children. This section will begin with the current physical needs of the facilities that serve the children of Fremont.

Fremont has experienced many critical setbacks in recent years in terms of school facilities and growth related impacts. On the other hand, the town report details the efforts of the town to expand its facilities and provide options for meeting the needs of Fremont's students. Kingston and Newton voted to disallow Fremont's membership in the Sanborn Regional Cooperative. At the 1997 Town meeting the voters approved a \$165,000 for land acquisition.

These issues presented above are related only to physical space. A more in depth picture of the condition of the facilities themselves yields a more desperate picture. In a recent School Board Report, the following statement was included:

“One of the most significant issues that the Ellis School continues to face is overcrowding.”

In addition, the Board stated the following:

“Students choices for high school are becoming more limited as time goes on and within the next few years choice may no longer be an option.”

The Principal's Report stated:

“Enrollment is presently at 430 students, and the building is filled to capacity. Through creative use of space and scheduling, we are able to accommodate all of our children and staff this year. It is not possible at this time to plan for any new initiatives that require space, such as foreign language for our middle school students, or small group work outside the regular classroom for our younger students.”

Further expansion of school facilities will cost money and impact the tax structure long into the future, without being able to insure reasonable growth through this process in the impact will be more detrimental. The town needs to plan for the future using a reasonable growth rate that

can provide for fiscally and facility-based sustainable growth. Given the lesson of the recent past and our neighboring communities, the greatest tool in providing such a future is through a timing of development ordinance that will prevent unusual spikes in growth.

Overcrowding and Education

Recently, there has been discussion on the crisis in our schools in regards to the number of students per class. We will provide an analysis and our position on over-crowded classrooms.

A result of the tremendous, unnatural, and unrestricted growth has been to cause over-crowding in the classrooms. We analyze this factor as it provides further justification for controlling growth to prevent the detrimental impacts over-crowding creates. We have already shown the incredible increase in numbers of school age children, the projected enrollments, the status of our educational facilities, and now we turn to the impacts that over-crowding has been proven to cause and the benefits that smaller class size yields in terms of student achievement. We have included the text of these articles in the appendix for this chapter.

In Answers and Questions About Class Size: A Statewide Experiment, by Jeremy Finn of SUNY Buffalo and Charles Achilles UNC - Greensboro (American Educational Research Journal-Fall 1990), the authors state, quite succinctly:

"This research leaves no doubt that small classes have an advantage over larger classes in reading and mathematics in the early primary grades...In addition to an overall class-size effect, there is strong indication that the performance of minority students is enhanced in the small-class setting."

Answers and Questions, AERJ, p. 575.

We adopt the research and these findings for our own analysis of the effects of smaller class size as part of the justification for growth management to prevent the ills and detrimental impacts of large, over-crowded classes.

In a Tennessee study by Helen Pate-Bain the results were consistent with the above. This study has been reported by Barbara Nye, et al. in Smaller Classes Really are Better, The American School Board Journal (May 1992). The article states:

"The results [of the Pate-Bain study] were striking. At each grade level in each of the four specified settings, the small classes performed better than both the regular classes and the regular classes with a full-time teacher aide. Although the advantage declined slightly in second and third grades, the small-class effect remained strong across all variables...Furthermore, students of low socioeconomic status (as determined by participation in free or reduced price lunch programs) benefitted more than did students of high socioeconomic status."

Smaller, ASBJ, p.31-32.

Therefore, growth management that helps to provide the sound educational services found in smaller class-sizes, will enhance the educational opportunities of low and moderate income children. Assuming the reverse is true, that larger classes have a more detrimental impact upon low and moderate children, it is apparent that uncontrolled growth, yielding larger classes, will have an increasingly negative effect upon children of low and moderate income families.

Thus, our own analysis yields research that speaks, unequivocally, to the detrimental impacts of over-crowded classes, and the benefits of smaller classes. As a result, our position requires us to preserve an education that prevents such harmful and detrimental impacts. We therefore conclude that over-crowded classrooms significantly impacts the general welfare of the community by reducing the quality of education we are able to provide to our children. Furthermore, that reaching for the goal of smaller classes will not only benefit our children now, but preserve and protect the general welfare of the community as a whole. Finally, that in light of the recent growth, and the incredible tax outlays for school facility expansion, these goals may only be realized if a natural and reasonable population growth is maintained and that unnatural and unrestricted growth is prevented.

OTHER IMPACTS OF GROWTH

There are a number of other impacts from uncontrolled and unreasonable growth. Destruction of valuable agricultural and forestry lands and natural resources, permanent modification of community character, destruction of historic resources, destruction of wildlife habitat, and loss of open space are issues that are not discussed in this chapter. This information can be found in other chapters throughout this plan and must be considered as growth issues as well due to the negative impact of uncontrolled growth. Consistent among these issues is the necessity for time to plan for the reasonable protection of these resources, and the crisis situation that currently exists for each. Fremont is at a turning point in its development, and the actions taken over the next few years will have eternal effects upon the future of the town and the quality of life for the citizens.

Although each of these topics deserve full discussion in this chapter, they are incorporated herein by reference from their individual chapters throughout this plan. In each chapter the subject matter treatment is more comprehensive and individually based, and therefore deserve reference and consideration for any efforts of growth management.

CONCLUSION AND RECOMMENDATION

Cumulative Impacts

This document shows the numerous problematic effects that unreasonably high and disproportionate growth present. Pausing a moment, and reflecting on the combination of the preceding subsections, we see that although each of the above problems are serious, it is the cumulative impact of each and every aspect that is so devastating and destructive. It is this cumulative impact that must be addressed; by deconstruction the symptoms of the problem, the effective solution becomes unclear. The problem is unreasonable and disproportionate growth. This is the problem that Fremont must address. The New Hampshire legislature has enabled towns to pass timing of growth ordinances to respond to unforeseen growth. The Town of Fremont has adopted such an ordinance. The continued updates to this Master Plan chapter and the Fremont Capital Improvements Program will provide the rationale and to support the Growth Management ordinance.

Part of the complexity of this situation is the existing web of interrelationships between growth, taxation, and town provided services and facilities. Facility construction and upgrades rely on taxation for funding, growth spurs the need for more and updated facilities, which in turn requires more taxation. This cycle widens the gap between need and the ability to provide. Due to Fremont's current circumstances, the ability to offset this tax deficit with industrial and commercial growth is unlikely.

The rapid and unplanned growth described throughout this chapter is destroying the very values that make Fremont a quintessential New Hampshire community, warm and inviting, untainted by the hustle and bustle of over-developed urban areas. Eventually, the community that nourishes these values will be gone, and the Fremont that was, will never be.

It is important to balance and control devastating growth so that these values can be preserved through rational and reasonable planning methods. Right now the situation is so critical with respect to the school dilemma that the Town must find a way to reasonably limit growth so that these planning efforts can take place. With these efforts, the Town of Fremont can continue to offer the community values that have been treasured by past generations, so that all the citizens and their children can inherit the legacy of the Town of Fremont.

Timing is the crucial aspect of this phase in the growth management process. Fremont must take extraordinary steps to preserve the health, safety and welfare of the community. Throughout this section, the devastating effects of growth on the Fremont community has been illuminated; in fact, the impacts have been more severe than any other town in the regional community. Fremont does not seek to raise its "drawbridge" to growth, but, rather, to allow that growth which is reasonable and balanced throughout the community. We do not blind ourselves to the attractions Fremont has, we merely seek to preserve them for all our citizens, current and future, so that we may continue to offer the life-style to which we have been

accustomed. This current growth places these values and this community at risk, and therefore, we must react in order to foster reasonable growth that is planned and supportable, not growth that is unplanned and self-destructive.

This section of the Master Plan details the statistics of population growth, both overall as well as school-age populations. In addition, an analysis of current and past taxation rates and the economic impact of this growth on Fremont's citizens reveal the fiscal factors. Furthermore, this chapter offers an esoteric discussion of the benefits to controlled growth which realize the preservation of open space, Fremont's community spirit, and the improvement of quality of life and community welfare. Also, Town facilities, services, and qualities have been discussed with an analysis of the impacts of unnatural growth. A specific section lays out the crisis facing Fremont's education facilities due to growth and the dire need for new and improved facilities, which are unattainable at current growth rates. Finally, each of these impacts and facets of growth is brought together in this conclusion to give the Town of Fremont a picture of itself and a recommendation for both a short- and long-term solution.

RECOMMENDATION

It is therefore the recommendation of this Finding that the Town of Fremont take two actions.

First and foremost, the Town must adopt and enact a new Timing of Development or Growth Management Ordinance. Once this Ordinance is in place to control the immediate growth explosions, it will act to curb the negative and destructive aspects of such growth.

Next, Fremont must update the Capital Improvements Program (CIP) which was officially authorized by the legislative body at the March 1999 Town Meeting and subsequently adopted by the Planning Board. The CIP should be updated to incorporate recent historic data and to consider additional capital projects for inclusion into the program.

Next, The Town should update this chapter of the Master Plan when the 2000 Census data becomes available. This data will provide a clearer picture of population growth through age categories.

Lastly, the Town and citizens of Fremont must maintain an updated long range comprehensive growth plan reflected in a combination of the Master Plan and the Capital Improvements Program that addresses and nurtures the future of Fremont into the 21st Century. This group must begin expanding on the vision of Fremont and work with all interested parties and develop a more general and far reaching vision of the future of Fremont. Through the combined recommendations of the updated Master Plan, such a comprehensive growth plan should help the Town of Fremont grow, and grow well, into the future.